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FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

MAR 06 2003
at 2 o'clock and 12 min. PM
WALTER A. Y. H. CHINN, CLERK

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CRIM. NO. <u>CR 03-00111</u>	SOM
)		
Plaintiff,)	INDICTMENT	
)	[21 U.S.C. 846 & 18 U.S.C. 2]	
VS.)		
)		
MARIO GARIBALDI-LOPEZ, (01))		
FERNANDO DE LA CRUZ, (02))		
LUIS ALBERTO OCHOA- (03))		
TIJERO,)		
)		
Defendants.)		
)		

INDICTMENT

Count 1:

The Grand Jury charges that:

From a time unknown to the grand jury up through and including on or about February 22, 2003 in the District of Hawaii and elsewhere, defendants:

MARIO GARIBALDI-LOPEZ (hereinafter "Garibaldi"),
FERNANDO DE LA CRUZ (hereinafter "De La Cruz"),
LUIS ALBERTO OCHOA-TIJERO (hereinafter "Ochoa"),

and others known and unknown to the grand jury knowingly and intentionally conspired to distribute and to possess with intent

to distribute fifty (50) grams or more of methamphetamine, its salts, isomers, and salts of its isomers, a Schedule II controlled substance,

A violation of Title 21, United States Code, Section 841(a)(1).

Overt Acts:

In furtherance of this conspiracy and in order to attain the objects thereof, the following overt acts, among others, were committed in the District of Hawaii and elsewhere:

1. On or about February 21, 2003 at the Nanakuli post office, Hawaii, De La Cruz accepted delivery of the following U.S. Postal Service Express Mail parcel:

One (1) Express Mail parcel, label #EU 218 448 174 US, with a return address of MARISELA ROJAS, 5309 MAYWOOD AVE., MAYWOOD, CA 90270, and addressed to FERNANDO DE LA CRUZ, P.O. Box 2690, WAINEE Hi 96792 **[hereinafter referred-to as "subject parcel"]**.

2. On or about February 21, 2003 in the general vicinity of Nanakuli, Hawaii, De La Cruz delivered the subject parcel to Ochoa.

3. On or about February 21, 2003, Ochoa took the subject parcel to an apartment complex located at 92-1140 Panana Street, Kapolei, Hawaii.

4. On or about February 21, 2003, Garibaldi drove a Dodge van away from the apartment complex located at 92-1140 Panana Street, Kapolei, Hawaii.

5. On or about February 21, 2003, Garibaldi touched and handled the interior contents of the subject parcel.

6. On or about February 21, 2003, Garibaldi drove a Dodge pickup truck away from the apartment complex located at 92-1140 Panana Street, Kapolei, Hawaii.

7. On or about February 21, 2003, Garibaldi possessed a pistol holster in the Dodge pickup truck referenced in Overt Act #6.

All in violation of Title 21, United States Code, Sections 846, 841(a)(1), and 841(b)(1)(A).

Count 2:

The Grand Jury further charges that:

From a time unknown to the grand jury up through and including on or about February 21, 2003 in the District of Hawaii and elsewhere, defendants:

**MARIO GARIBALDI-LOPEZ,
FERNANDO DE LA CRUZ, and
LUIS ALBERTO OCHOA-TIJERO**

knowingly and intentionally attempted to possess with intent to distribute fifty (50) grams or more of methamphetamine, its salts, isomers, and salts of its isomers, a Schedule II controlled substance,

In violation of Title 21, United States Code, Sections 846, 841(a)(1), and 841(b)(1)(A), and Title 18, United States Code,

Section 2.

DATED: Honolulu, Hawaii, March 6, 2003.

A TRUE BILL.

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GRAND JURY FOREPERSON

EDWARD H. KUBO, JR.
United States Attorney

Per Michael Enoki
ELLIOT ENOKI
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Michael K. Kawahara
MICHAEL K. KAWAHARA
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USA v. Garibaldi-Lopez, De La Cruz, and Ochoa-Tijero, USDC-
Hawaii, Indictment.